

NO SHAME. NO BLAME. NO NAMES.



Information on the Safely Surrendered Baby Law & Prevention of Infant Abandonment

1-877-BABY SAFE or 1-877-222-9723 www.babysafela.org

"Every baby deserves a chance for a healthy life"



Introduction: The Unnecessary Tragedy of Abandoned Babies

Two stuffed teddy bears mark the graves of Baby Boy Johnson #1 and Baby Boy Johnson #2; infants denied their chance at life. Their mother, Kimberly Johnson, age 26, now resides in state prison serving a sentence of 25 years to life for the murder of her twin infant boys. Kimberly had given birth to the infant boys in her bathroom at home, wrapped them each in a towel, put the towels into a plastic bag and put the plastic bags into a laundry detergent box.

Such a story seems impossible to believe, but sadly, many babies each year all over the United States are left to die after they are abandoned or killed by their parents. California, like many states, has enacted the Safely Surrendered Baby Law ("Law") that allows a parent to legally, confidentially and safely give up a baby within the first 72 hours of the baby's life. This law is designed to protect a baby from being abandoned (which is illegal) and to offer a last resort to parents who, in a time of severe emotional distress, may otherwise believe they have no other options.

Despite this Law, adoption has always been and continues to be an option for parents whom, for whatever reason, cannot care for an infant. In fact, legal adoption is the best option as it affords rights to the parent placing the child for adoption and best serves the needs of the adopted child and the adoptive parents. The Safely Surrendered Baby Law has been enacted in the hope that by allowing a parent to safely surrender a child to an employee at a hospital emergency room or fire station, those who believe they have no other option but to abandon a child in an unsafe manner will at least take this step of last resort, thus ensuring their child's safety and their freedom from prosecution.

To support the efforts of the County of Los Angeles to educate County employees, community-based providers and the public on this important law, the following training packet is designed to provide you with key information on the Safely Surrendered Baby Law, information on other resources and options, and ideas on how to help a woman make a safe choice when facing an unintended pregnancy. The packet includes the following fact sheets:

- Information on California's Safely Surrendered Baby Law
- Clarifying Legal and Procedural Issues in the Safely Surrendered Baby Law
- Adoption Information
- Social and Psychological Factors of Unintended Pregnancy & Infant Abandonment
- Information and Referral Hotlines
- County of Los Angeles Safe Surrender Sites

No shame. No blame. No names.

Newborns can be safely given up at any Los Angeles County hospital emergency room or fire station.



In Los Angeles County: 1-877-BABY SAFE 1-877-222-9723 www.babysafela.org



State of California Gray Davis, Governor

Health and Human Services Agency Grantland Johnson, Secretary

Department of Social Services Rita Saenz, Director



Los Angeles County Board of Supervisors

Gloria Molina, Supervisor, First District Yvonne Brathwaite Burke, Supervisor, Second District Zev Yaroslavsky, Supervisor, Third District Don Knabe, Supervisor, Fourth District Michael D. Antonovich, Supervisor, Fifth District

What is the Safely Surrendered Baby Law?

California's Safely Surrendered Baby Law allows parents to give up their baby confidentially. As long as the baby has not been abused or neglected, parents may give up their newborn without fear of arrest or prosecution.

How does it work?

A distressed parent who is unable or unwilling to care for a baby can legally, confidentially and safely give up a baby within three days of birth. The baby must be handed to an employee at a Los Angeles County emergency room or fire station. As long as the child shows no signs of abuse or neglect, no name or other information is required. In case the parent changes his or her mind at a later date and wants the baby back, workers will use bracelets to help connect them to each other. One bracelet will be placed on the baby, and a matching bracelet will be given to the parent.

What if a parent wants the baby back?

Parents who change their minds can begin the process of reclaiming their newborns within 14 days. These parents should call the Los Angeles County Department of Children and Family Services at 1-800-540-4000.

Can only a parent bring in the baby?

In most cases, a parent will bring in the baby. The law allows other people to bring in the baby if they have legal custody.

Does the parent have to call before bringing in the baby?

No. A parent can bring in a baby anytime, 24 hours a day, 7 days a week so long as the parent gives the baby to someone who works at the hospital or fire station.

Does a parent have to tell anything to the people taking the baby?

No. However, hospital personnel will ask the parent to fill out a questionnaire designed to gather important medical history information, which is very useful in caring for the child. Although encouraged, filling out the questionnaire is not required.

What happens to the baby?

The baby will be examined and given medical treatment, if needed. Then the baby will be placed in a pre-adoptive home.

What happens to the parent?

Once the parent(s) has safely turned over the baby, they are free to go.

Why is California doing this?

The purpose of the Safely Surrendered Baby Law is to protect babies from being abandoned by their parents and potentially being hurt or killed. You may have heard tragic stories of babies left in dumpsters or public bathrooms. The parents who committed these acts may have been under severe emotional distress. The mothers may have hidden their pregnancies, fearful of what would happen if their families found out. Because they were afraid and had nowhere to turn for help, they abandoned their infants. Abandoning a baby puts the child in extreme danger. It is also illegal. Too often, it results in the baby's death. Because of the Safely Surrendered Baby Law, this tragedy doesn't ever have to happen in California again.

A baby's story

At 8:30 a.m. on Thursday, July 25, 2002, a healthy newborn baby was brought to St. Bernardine Medical Center in San Bernardino under the provisions of the California Safely Surrendered Baby Law. As the law states, the baby's mother did not have to identify herself. When the baby was brought to the emergency room, he was examined by a pediatrician, who determined that the baby was healthy and doing fine. He was placed with a loving family while the adoption process was started.

Every baby deserves a chance for a healthy life. If someone you know is considering abandoning a newborn, let her know there are other options.

It is best that women seek help to receive proper medical care and counseling while they are pregnant. But at the same time, we want to assure parents who choose not to keep their baby that they will not go to jail if they deliver their babies to safe hands in any Los Angeles County hospital ER or fire station.

Sin pena. Sin culpa. Sin peligro.

Los recién nacidos pueden ser entregados en forma segura en la sala de emergencia de cualquier hospital o en un cuartel de bomberos del Condado de Los Angeles.



En el Condado de Los Angeles: 1-877-BABY SAFE 1-877-222-9723 www.babysafela.org



Estado de California Gray Davis, Gobernador

Agencia de Salud y Servicios Humanos (Health and Human Services Agency) Grantland Johnson, Secretario

Departamento de Servicios Sociales (Department of Social Services) Rita Saenz, Directora



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¿Qué es la Ley de Entrega de Bebés Sin Peligro?

La Ley de Entrega de Bebés Sin Peligro de California permite a los padres entregar a su recién nacido confidencialmente. Siempre que el bebé no haya sufrido abuso ni negligencia, padres pueden entregar a su recién nacido sin temor a ser arrestados o procesados.

¿Cómo funciona?

El padre/madre con dificultades que no pueda o no quiera cuidar de su recién nacido puede entregarlo en forma legal, confidencial y segura, dentro de los tres días del nacimiento. El bebé debe ser entregado a un empleado de una sala de emergencias o de un cuartel de bomberos del Condado de Los Angeles. Siempre que el bebé no presente signos de abuso o negligencia, no será necesario suministrar nombres ni información alguna. Si el padre/madre cambia de opinión posteriormente y desea recuperar a su bebé, los trabajadores utilizarán brazaletes para poder vincularlos. El bebé llevará un brazalete y el padre/madre recibirá un brazalete igual.

¿Qué pasa si el padre/madre desea recuperar a su bebé?

Los padres que cambien de opinión pueden empezar el proceso de reclamar a su recién nacido dentro de los 14 días. Estos padres deberán llamar al Departamento de Servicios para Niños y Familias (Department of Children and Family Services) del Condado de Los Angeles, al 1-800-540-4000.

¿Sólo los padres podrán llevar al recién nacido?

En la mayoría de los casos, los padres son los que llevan al bebé. La ley permite que otras personas lleven al bebé si tienen la custodia legal del menor.

¿Los padres deben llamar antes de llevar al bebé?

No. El padre/madre puede llevar a su bebé en cualquier momento, las 24 horas del día, los 7 días de la semana, mientras que entregue a su bebé a un empleado del hospital o de un cuartel de bomberos.

¿Es necesario que el padre/madre diga algo a las personas que reciben al bebé?

No. Sin embargo, el personal del hospital le pedirá que llene un cuestionario con la finalidad de recabar antecedentes médicos importantes, que resultan de gran utilidad para los cuidados que recibirá el bebé. Es recomendado llenar este cuestionario, pero no es obligatorio hacerlo.

¿Qué ocurrirá con el bebé?

El bebé será examinado y, de ser necesario, recibirá tratamiento médico. Luego el bebé se entregará a un hogar preadoptivo.

¿Qué pasará con el padre/madre?

Una vez que los padres hayan entregado a su bebé en forma segura, serán libres de irse.

¿Por qué California hace esto?

La finalidad de la Ley de Entrega de Bebés Sin Peligro es proteger a los bebés del abandono por parte de sus padres y de la posibilidad de que mueran o sufran daños. Usted probablemente haya escuchado historias trágicas sobre bebés abandonados en basureros o en baños públicos. Es posible que los padres que cometieron estos actos hayan estado atravesando dificultades emocionales graves. Las madres pueden haber ocultado su embarazo, por temor a lo que pasaría si sus familias se enteraran. Abandonaron a sus recién nacidos porque tenían miedo y no tenían adonde recurrir para obtener ayuda. El abandono de un recién nacido lo pone en una situación de peligro extremo. Además es ilegal. Muy a menudo el abandono provoca la muerte del bebé. Ahora, gracias a la Ley de Entrega de Bebés Sin Peligro, esta tragedia ya no debe suceder nunca más en California.

Historia de un bebé

A las 8:30 a.m. del jueves 25 de julio de 2002, se entregó un bebé recién nacido saludable en el St. Bernardine Medical Center en San Bernardino, en virtud de las disposiciones de la Ley de Entrega de Bebés Sin Peligro. Como lo establece la ley, la madre del bebé no se tuvo que identificar. Cuando el bebé llegó a la sala de emergencias, un pediatra lo revisó y determinó que el bebé estaba saludable y no tenía problemas. El bebé fue ubicado con una buena familia, mientras se iniciaban los trámites de adopción.

Cada recién nacido merece una oportunidad de tener una vida saludable. Si alguien que usted conoce está pensando en abandonar a un recién nacido, infórmele qué otras opciones tiene.

Es mejor que las mujeres busquen ayuda para recibir atención médica y asesoramiento adecuado durante el embarazo. Pero al mismo tiempo, queremos asegurarles a los padres que optan por no quedarse con su bebé que no irán a la cárcel si dejan a sus bebés en buenas manos en cualquier sala de emergencia de un hospital o en un cuartel de bomberos del Condado de Los Angeles.



Clarifying Legal and Procedural Issues in the Safely Surrendered Baby Law

On January 1, 2001, a new law in California went into effect. Known as the "Safely Surrendered Baby Law," the law states that "no parent or other person who has lawful custody of a minor child 72 hours old or younger may be prosecuted for child abandonment if he or she voluntarily surrenders physical custody of the child to an employee at a public or private emergency room." Newborns may also be safely surrendered at Los Angeles County Fire Department stations and other fire stations designated by the County Board of Supervisors.

The following are common questions and answers regarding the legal provisions and procedures included in the Law:

What is the Safely Surrendered Baby Law?

California's Safely Surrendered Baby Law allows parents to confidentially give up their baby, 72 hours or younger. As long as the baby has not been abused or neglected, parents may give up their newborn without fear of arrest or prosecution.

• The law guarantees confidentiality to the surrendering adult. What does this mean?

A parent who safely surrenders a baby does not have to give her name. If a parent chooses to give her name or other identifying information, only individuals who need to know the identity and whereabouts of a surrendering parent will have access to such information, thus guaranteeing confidentiality. Such individuals may include the judge and the attorneys in court who ensure that the baby is safe and placed in a pre-adoptive home.

- Who does the law allow to bring the baby to a Safe Surrender site?

 The law allows the parent or other person with lawful custody to bring the baby to a Safe Surrender site.
- Does the law allow a parent to leave his or her newborn at the entrance of a Safe Surrender site?

NO. To ensure the safety of the newborn, the parent or person with awful custody must give his or her baby to an employee of the Safe Surrender site.

Does the parent have to tell anything to the person taking the baby at the Safe Surrender site?

NO. However, the parent will be asked to fill out a questionnaire designed to gather important medical history information, which is very useful in caring for the baby. Although filling out the questionnaire is not required, it is encouraged. If she wishes, the parent can take the questionnaire home and mail it back to the hospital once it has been completed. The medical questionnaire does not require any information that would compromise the confidentiality of the parent.

Clarifying Legal and Procedural Issues in the Safely Surrendered Baby Law (continued)

 What is the process for a parent to reclaim his or her child within the 14day timeframe outlined in the Safe Surrender Law?

Within 14 days from the date a parent surrenders a baby, the parent should call the Los Angeles County Department of Children and Family Services Child Protection Hotline at 1-800-540-4000. A social worker will meet with the parent and assess his or her home to determine whether the baby can be safely returned.

 What happens if a parent wants to reclaim his or her child after the 14day timeframe?

A parent should call the Los Angeles County Department of Children and Family Services Child Protection Hotline at 1-800-540-4000. Because the baby's case will be in court, the parent may have to attend court hearings in addition to meeting with social workers and having his or her home assessed.

• What is the purpose of the identification bracelet that is placed on the infant and provided to the surrendering adult?

The bracelet assists the social workers in determining who a baby's parents may be in those cases where a parent requests the baby back. The bracelet does not establish parentage or right to custody of the child.

 What happens to the baby if a parent does not attempt to reclaim his or her child?

Upon receiving the surrendered baby, social workers immediately place the baby in a safe and loving home and begin the adoption process.



Adoption Information

Pregnant women who do not believe they have the means, ability and/or desire to parent their baby may choose to put the child up for adoption. Legal adoption is the best option for a parent who is unable to care for a child as it affords rights to the parent placing the child for adoption and best serves the needs of the adopted child and the adoptive parents. Babies carried to term can be voluntarily relinquished for adoption, which preserves the life of the infant, creates a new, loving family, and offers the relinquishing parent additional psychological benefits without fear of criminal prosecution.

The following information answers many common questions birth parents may have regarding putting their babies up for adoption:

- "Relinquishment of a child" means the action of a parent who signs a relinquishment form in which he or she surrenders custody, control and any responsibility for the care and support of the child to any licensed public or private adoption agency for purposes of adoption.
- Parents can designate a family to adopt their child; however the child cannot be placed with the new family until they have an approved home study.
- If the birth parent does not designate a particular family, the adoption agency selects the adoptive family, although the birth parent may participate in this process. Every effort is made to honor reasonable requests of the birth parents.
- Birth parents may meet the adoptive parents if all parties agree.
- Birth parents may select a religion for their child.
- Any parent can sign a relinquishment. Minor children, who are parents, do not need their parent's consent to relinquish.
- Relinquishment must be entirely voluntary. The court cannot order a parent to sign a relinquishment.
- A relinquishment may only be taken by a social worker from a licensed adoption agency.
- There can be no bribes, payments, or promises made in exchange for a relinquishment.

Adoption Information

(continued)

- The birth parent's legal rights and responsibilities for the child end when the relinquishment is reviewed and filed by the California Department of Social Services and the acknowledgement is issued.
- Parents may request to revoke (before the relinquishment is filed) or rescind (after the relinquishment is filed) the relinquishment, but this request will be granted only with the consent of the adoption agency.
- Parents must be informed that there are services available which may help them keep their child prior to the taking of a relinquishment. These services include: legal consultation, financial resources, employment resources, education, childcare, housing, health services, and counseling.

In addition to voluntary relinquishment of a child through the Los Angeles County Department of Children and Family Services (DCFS) Adoption Division, parents may also arrange for adoption of their child through a private, licensed adoption agency or through an independent adoption with the assistance of an attorney.

For more information on the voluntary relinquishment of a newborn for purposes of adoption, please call the Los Angeles County Adoption Hotline:

(888) 811-1121



Social and Psychological Factors of Unintended Pregnancy & Infant Abandonment

Juana's Story

Juana*, a 19-year old Latina, and her husband Frank, a 20-year old African American, lived with Frank's parents in a middle class neighborhood in East Los Angeles. Juana and Frank had been married two years prior, shortly after Juana became pregnant with their daughter, Julie. Neither Juana's or Frank's parents were pleased when Juana became pregnant because the couple had plans to attend college, and these plans were thwarted by their early parenthood. Frank's parents agreed to let the young couple and child live in their home but did not hesitate to express their displeasure that they had to financially support the couple.

Although Juana and Frank were careful, Juana again became pregnant. The couple was terrified that both sets of parents would be angry with them, as the couple could not afford to care for Julie let alone a new baby. Juana would not consider abortion as it violated her religious beliefs and, although the couple discussed adoption, they made no efforts to contact an adoption agency. They later stated that they "just wished it would go away." They hid Juana's pregnancy and told no one of her condition.

Juana went into labor in her eighth month of pregnancy while Frank was out playing pool with friends. She gave birth by herself in her bathroom, cut the umbilical cord and wrapped her newborn son tightly in plastic bags to prevent him from crying. After her in-laws had gone to bed, she placed the plastic bag in a trash dumpster near their home. The infant was found deceased in the dumpster by a transient who notified law enforcement. Coroner records indicate that the child died of asphyxiation and caregiver neglect and the death was classified as a homicide. Juana was eventually located by police who traced her by way of a receipt found in the plastic bag in which the infant died. She was arrested for Penal Code 187, murder, and awaits trial at this time.

* Names have been changed.	

Susan's Story

Susan, a 21-year old single Asian woman, became pregnant by a casual acquaintance she met at a fraternity party. Susan was a junior in college in New York and did not discover that she was pregnant until she was five months along and the father was nowhere to be found. She did not feel capable of having an abortion while carrying a 5-month gestational fetus and struggled with what to do about her pregnancy. She realized that she would be returning to her family's home for summer break near the time she was due and did not want her parents to know of her pregnancy.

Social and Psychological Factors in Unintended Pregnancy & Infant Abandonment (continued)

Susan returned to her parents' home in an upper class suburb of Los Angeles when she was seven months pregnant. Although her parents observed her weight gain, she explained it as "dorm food" and her parents believed her. She was very confused and afraid, so she continued to hide her pregnancy. One day she began having some pain and decided she should go to a clinic to be examined. She was examined and the clinic doctor told her that she was only having some slight contractions. She did not put her correct name or address on the clinic forms and refused all offers of assistance. However, while at the clinic, she saw a poster that advertised "Safely Surrender Your Baby," a law that would allow her to confidentially leave her baby in a hospital emergency room without prosecution for child abandonment.

Two months later Susan gave birth alone in her family's bathroom while her parents were at work. She wrapped her baby in a sheet and drove herself and her newborn daughter to a local hospital emergency room where she turned the child over to an emergency room nurse. She asked the nurse what would happen to her child and was told that the baby would be placed for adoption unless Susan returned within 14 days to reclaim the child. The nurse asked Susan to complete a medical form regarding her medical history so that the child and the child's adoptive family would have this information and gave Susan an ID bracelet that would identify her as the baby's mother in the event she wished to reclaim the child. Susan took the medical history form with her and left the hospital without obtaining recommended medical treatment for herself. She was afraid but believed she was doing the right thing for her baby and herself. She completed the medical questionnaire at home and mailed it to the hospital in the envelope they had provided.

Susan did not return to the hospital to reclaim her child and the baby was placed for adoption with a couple who had been approved by the Department of Children and Family Services (DCFS) Adoptions Division. The couple had waited several years to adopt and were thrilled to adopt the baby, who they named Nicolette. They are grateful to Nicolette's birth mother and were pleased to have medical information for their child; however, they wish the mother had provided identifying information to the adoption agency so that Nicolette could make connection with her birth relatives when she is older if she desires to do so.

<u>Social and Psychological Factors of Unintended Pregnancy & Infant Abandonment</u> (continued)

The two scenarios above, based upon real incidents, depict two very different outcomes to an unwanted pregnancy. The choices these women made have had a lasting impact on the health and well-being of their babies as well as their own futures.

While efforts are currently underway in the County of Los Angeles to collect more data on women who abandon their infants, current data reveals that parents involved in these cases do not fit a generalized "profile." Infant abandonment and newborn surrender have been reported among girls and women of all reproductive ages, among all racial/ethnic groups, and across all socio-economic and educational levels. In addition, some cases have been reported of fathers assisting in the abandonment or safe surrender of their infants.

While parents who abandon or safely surrender their babies do not appear to fit a distinctive "risk profile," some common characteristics have emerged in many of these cases. These include:

- Denial and/or concealment of the pregnancy;
- Lack of a support system for the mother;
- The mother's fear of the "system" (i.e. child welfare workers, law enforcement, hospital personnel);
- Fear that the pregnancy will be discovered by parents, spouse, boyfriend, or peers;
- Lack of pre-natal care;
- Lack of typical pregnancy related symptoms;
- Childbirth occurs outside of a hospital or without the assistance of trained medical professionals; and
- The mother's family and/or friends have knowledge of the pregnancy but collude in the mother's denial or concealment of her pregnancy.



How Can You Help A Pregnant Woman Make a Safe Choice?

Women facing an unintended pregnancy often experience initial reactions of fear, anger, and confusion upon learning that they are pregnant. In some instances, women do not know they are pregnant for many months or are in denial of the pregnancy. Often the loving support and understanding of a friend or family member is all that is needed to help a woman dealing with an unintended pregnancy make safe and legal choices.

If you suspect your daughter, friend, wife or relative is pregnant, and believe she is denying or concealing the pregnancy, you have a responsibility to do the following:

- Ask her if she is pregnant;
- Acknowledge the pregnancy in a non-judgmental manner;
- Provide her with information on her options and offer support, love and guidance so that she can make an informed decision about how best to handle the unintended pregnancy;
- Assist her in finding a doctor or health clinic to receive pre-natal care to protect her health and the health of the baby;
- Provide her with the emotional support she needs during this often confusing and difficult time.

Often women facing an unintended pregnancy are afraid to share their secret with anyone, even close family and friends. If you suspect someone close to you is denying or concealing a pregnancy, please reach out to her and offer your support and assistance. By doing so, you will help a woman make a safe choice about her pregnancy.

If you suspect someone close to you is in this situation, have the courage to reach out to her to make a difference in her life and the life of the baby.



Information and Referral Hotlines

Information on a variety of issues related to pregnancy, adoption and the safe surrender of a baby can be found by calling:

Safely Surrendered Baby Hotline

The Safely Surrendered Baby Hotline is sponsored by Info Line of Los Angeles. Staff trained in the provisions of the Safely Surrendered Baby Law provide information on how to safely surrender a baby under the law, as well as the location of Safe Surrender sites. This hotline is available 24 hours a day, seven days a week. Calls to the Safely Surrendered Baby Hotline are confidential, and English, Spanish, and 140 other languages are spoken. The Safely Surrendered Baby Hotline may be reached at:

1-877-222-9723

Info Line of Los Angeles

Info Line of Los Angeles is a free, 24 hours a day, seven days a week information and referral hotline, with specialists fluent in English and Spanish and interpreters available in other languages. The hotline provides confidential information and referrals on family problems, health services, legal services, substance abuse programs, counseling, family planning, youth programs, mental health services and other social services. Info Line may be reached at:

1-800-339-6993

First 5 LA Connect

First 5 LA Connect is a free phone helpline for parents of newborns and young children. First 5 LA Connect is available seven days a week from 7 a.m. to 7 p.m., with specialists fluent in English and Spanish and interpreters available in other languages. The service links callers with trained specialists and health experts who can answer key parenting questions, and refer them directly to Los Angeles County agencies that offer free or low-cost services. First 5 LA Connect is a service of First 5 LA, which is dedicated to improving the lives of children in Los Angeles County during their first 5 years of life. First 5 LA Connect may be reached at:

1-888-347-7855

Los Angeles County Adoption Hotline

The Hotline provides information on the voluntary relinquishment of a newborn for purposes of adoption. The Hotline may be reached at:

1-888-811-1121

COUNTY OF LOS ANGELES SAFE SURRENDER SITES

NEWBORNS CAN BE SAFELY GIVEN UP IN THE COUNTY OF LOS ANGELES AT:

- ANY HOSPITAL EMERGENCY ROOM
- **ANY DESIGNATED FIRE STATION**

TO FIND A SAFE SURRENDER SITE NEAR YOU VISIT:

WWW.BABYSAFELA.ORG

OR CALL

877-BABY SAFE *

(877-222-9723)



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